

with respect to the cloves for the reason that foreign materials had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the nutmeg for the reason that cornstarch and ginger had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the said white pepper for the reason that cornstarch and ground rice had been mixed with and substituted in part for the article.

Misbranding was alleged with respect to a portion of the black pepper, the red pepper, the nutmeg, the cloves, and the white pepper for the reason that the statements, to wit, "Black Pepper," "Red Pepper," "Cloves," "Nutmeg," and "Ground White Pepper," borne on the respective labels, were false and misleading and deceived and misled the purchaser, and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the black pepper, the cloves, and nutmeg for the reason that the statement "Net Weight 1½ Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having filed bonds for the release of the products in the total amount of \$2,707.52, decrees were entered finding all material allegations of the libels to be true, and it was ordered by the court that the products be released to the said claimant, upon payment of the costs of the proceedings, to be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15773. Misbranding of alfalfa meal, pulverized whole oats, and ground alfalfa. U. S. v. 90 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 745-c. I. S. Nos. 2970-x, 2971-x, 2972-x. S. No. 509.)

On December 31, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 90 sacks of alfalfa meal, 99 sacks of pulverized whole oats, and 50 sacks of ground alfalfa, remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the Grain Belt Mills Co., from St. Joseph, Mo., on or about December 22, 1927, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and in that the net weight was not indicated on said packages.

On January 31, 1928, the Grain Belt Mills Co., St. Joseph, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that they should not be sold or offered for sale in violation of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15774. Misbranding of wheat middlings. U. S. v. 300 Sacks of Standard Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 744-c. I. S. No. 2966-x. S. No. 306.)

On November 1, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of standard wheat middlings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the International Milling Co., Sioux City, Iowa, on or about October 12, 1927, and transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the weight of each sack was not plainly shown on the outside thereof, and in that the

true quantity of the contents was not plainly and conspicuously marked on the outside of said sacks.

On December 10, 1927, Rudy Patrick & Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or offered for sale in violation of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15775. Adulteration of fig pulp. U. S. v. 689 Cases of Fig Pulp. Default decree of condemnation and destruction. (F. & D. No. 22196. I. S. No. 14493-x. S. No. 261.)

On November 21, 1927, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 689 cases of fig pulp, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by Guggenlime & Co., from Fresno, Calif., on or about August 16, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pansy Brand California Fig Pulp. * * * Guggenlime & Co., California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 29, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15776. Adulteration of canned cherries. U. S. v. 30 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22464. I. S. No. 16368-x. S. No. 573.)

On February 16, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of canned cherries, remaining in the original unbroken packages at Wilkesbarre, Pa., alleging that the articles had been shipped by H. C. Hemingway & Co., from Lockport, N. Y., on or about December 2, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Schuyler Brand Pitted Cherries * * * H. C. Hemingway & Co. Distributors, Syracuse, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, wormy cherries.

On May 22, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15777. Adulteration and misbranding of cocoa. U. S. v. 4 50-Pound Drums, et al, of Cocoa. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22717, 22718. I. S. Nos. 17951-x, 17952-x. S. Nos. 740, 741.)

On April 19, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 50-pound drums, 8 25-pound drums, and 1 barrel of cocoa, remaining in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped in part by E. & A. Opler, Inc., from Chicago, Ill., on or about February 29, 1928, and in part from Denver, Colo., on or about February 9, 1928, and transported from the States of Illinois and Colorado, respectively, into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. and A. Opler, Inc., Chicago;" (drums) "Satisfaction Cocoa;" (barrel) "Opler's Pure Cocoa."

It was alleged in substance in the libel that the article was adulterated in that cocoa shell had been mixed and packed therewith so as to reduce, lower,